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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/532,888

04/27/2005

Shuji Tabuchi

10873.1684USWO

2256

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7590

06/25/2008

HAMRE, SCHUMANN, MUELLER & LARSON P.C.

P.O. BOX 2902-0902

MINNEAPOLIS, MN 55402

EXAMINER

BUI, LUAN KIM

ART UNIT

PAPER NUMBER

3728

MAIL DATE

DELIVERY MODE

06/25/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/532,888	Applicant(s) TABUCHI, SHUJI	
	Examiner Luan K. Bui	Art Unit 3728	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 June 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3 and 5-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3 and 5-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Continued Prosecution Application

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 6/12/2008 has been entered.

2. The rejection of claims 1, 3 and 5-11 under 35 U.S.C. 112, second paragraph has been withdrawn since Applicant indicates in the remarks dated 6/12/2008 that a “cartridge” is not positively recited in the claims.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Law (6,164,446). Law discloses a case (100) for holding an article comprising a bottom panel (10) having a plurality of latching members (60, 70) including two latching members disposed at opposite corners of the bottom panel (along sectional views IV-IV) and a release member (74) disposed at a location near one of the two latching members for releasing the latching of the article. The case of Law is inherently capable of holding a cartridge having a plurality of groove

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portions as claimed and the release member with the one latching member are inherently capable to provide at any one of two corners defined by the pair of side faces and the rear surface of the cartridge in a state in which the cartridge has been installed.

As to claim 11, the case includes at least one pedestal (52, Figures 2 and 5).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 3 and 7-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Law (6,164,446) in view of Chiu (2002/0100701). Law discloses the case as above having all the limitations of the claims except for the release member being provided at the bottom panel so as to lift up a lower face of the article.

Chiu shows a case (1-3) for holding an article comprising an engaging member (53) for engaging the article and a release member (an incline member having a finger hole 51, 52 in Figure 2) against a rear face of the article for pushing the article upward when an ear (5) is depressed. The release member disposed at the bottom panel of the case. It would have been obvious to one having ordinary skill in the art in view of Chiu to modify the release member of Law so the release member is provided at the bottom panel so as to lift up the lower face of the article to facilitate releasing the article.

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As to claim 7, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the case of Law so the bottom panel is square instead of the rectangle because a change in form or shape is generally recognized as being within the level of ordinary skill in the art, absent any showing of unexpected results. In re Dailey et al., 149 USPQ 47.

As to claim 11, Chiu shows at least one pedestal (31).

7. Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Law (6,164,446) in view of Deja (5,526,926). Law discloses the case as above having all the limitations of the claims except for the release member includes an engagement release component, a pressure release component and a linking release component for releasing the article.

Deja shows a case for holding an article comprising a release member comprising an engagement release component, a pressure release component and a linking release component (12, 13, 16) for releasing the article. It would have been obvious to one having ordinary skill in the art in view of Deja to modify the case of Law so the release member comprises an engagement release component, a pressure release component and a linking release component to facilitate releasing the article. As to claim 5, Deja shows the release member (16) provided at the rear face of the article.

Response to Arguments

Applicant's arguments filed on 6/12/2008 have been fully considered but they are not deemed to be persuasive.

Applicant argues "nowhere does Law disclose or suggest shutters that rotate reciprocally to open and close an opening window, or a front face that is chamfered in a rounded shape" on page 5 of the remarks is noted. This is not understood because Applicant indicates that a "cartridge" is not positively recited (see the remarks, 112, second paragraph section). If a "cartridge" is not positively recited then Law does not have to disclose or suggest shutters or chamfered as argued by the Applicant. The tab (74) and the hook (70) of Law are inherently capable of providing at any one of two corners defined by the pair of side faces and the rear surface of a cartridge when a cartridge comprises a rectangular configuration with two corners are disposed along the sectional views IV -IV.

Applicant's arguments with respect to Chiu and Deja in the remarks are noted. They are not persuasive because Chiu is relied upon for nothing more than the release member disposed at the bottom panel of the case and Deja is relied upon for nothing more than a release member comprises an engagement release component, a pressure release component and a linking release component for releasing the article.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Luan K. Bui whose telephone number is 571-272-4552. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mickey Yu can be reached on 571-272-4562. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

lkb
June 25, 2008

/Luan K. Bui/
Primary Examiner
Art Unit 3728